

DRAFT



Gaithersburg

A CHARACTER COUNTS! CITY

CITY OF GAITHERSBURG
MINUTES OF A REGULAR CITY COUNCIL MEETING
MARCH 6, 2006

A meeting of the Mayor and City Council was called to order at 7:30 p.m., Mayor Katz presiding. Council Members present: Alster, Edens (left at 9:15 p.m.), Marraffa, Schlichting and Sesma. Staff present: City Manager Humpton, Assistant City Managers Felton and Tomasello, Director of Public Works, Parks Maintenance and Engineering (PWPME) Arnoult, Planning and Code Administration Director Ossont, Parks, Recreation and Culture Director McGleish, Director of Community Development Kauffmann, Environmental Services Director Shingara, City Attorney Borten and Administrative Assistant Stokes.

I. PLEDGE OF ALLEGIANCE

The Pledge was led by Clyde Horton, Kentlands Community Foundation, Gaithersburg, Maryland.

II. INVOCATION

In lieu of an invocation, Mayor Katz called for a moment of silence.

III. APPROVAL OF MINUTES

Motion was made by Council Member Schlichting, seconded by Council Member Marraffa, that the minutes of the Mayor and Council meeting held February 21, 2006, be approved.

Vote: 4-0-1 (Abstained: Edens)

IV. CONSENT ITEMS

1. Resolution for Stormwater Management Facility Inspection and Support

This resolution authorized the City Manager to enter into a contract for the above services with Charles P. Johnson & Associates, Inc., 1751 Elton Road, Silver Spring, Maryland 20903, in an amount not to exceed Fifty Thousand Dollars (\$50,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT FOR STORMWATER MANAGEMENT FACILITY INSPECTION AND SUPPORT (Resolution No. R-19-06), be approved.

Vote: 5-0

2. **Resolution to Purchase Two (2) 2006 Fifteen Passenger Vans**

This resolution authorized the City Manager to enter into a contract for the above purchase with Criswell Chevrolet, 503 Quince Orchard Road, Gaithersburg, Maryland 20878, in the amount of Thirty-Four Thousand Dollars (\$34,000); said funds to be expended from the Capital Improvements Budget.

Motion was made by Council Member Alster, seconded by Council Member Edens, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE TWO (2) 2006 FIFTEEN PASSENGER VANS (Resolution No. R-20-06), be approved.

Vote: 5-0

V. **APPOINTMENTS**

Resolution Confirming Appointments and Reappointments by the Mayor

This resolution confirmed the following appointments and reappointments: **Bicycle Pedestrian Advisory Committee**, Charles Crisostomo, 842 Summer Walk Drive, Gaithersburg, Maryland 20878, Elizabeth Notter, 324 Thaxton Street, Gaithersburg, Maryland 20878, Victor Smigel, 9 Darlington Court, Montgomery Village, Maryland 20886, and Thomas Snyder, 15553 Peach Leaf Lane, Gaithersburg, Maryland 20878, appointments for indefinite terms; **Commission on Landlord/Tenant Affairs**, Elan Krueger – Alternate Landlord (reappointment), 10915 Lamplighter Lane, Potomac, Maryland 20854, three-year term; and the **Cultural Arts Advisory Committee**, Michael Kane (reappointment), 120 Hutton Street, Gaithersburg, Maryland 20877, two-year term.

Motion was made by Council Member Marraffa, seconded by Council Member Alster, that a RESOLUTION OF THE CITY COUNCIL CONFIRMING APPOINTMENTS AND REAPPOINTMENTS BY THE MAYOR TO THE BICYCLE PEDESTRIAN ADVISORY COMMITTEE, COMMISSION ON LANDLORD/TENANT AFFAIRS, AND CULTURAL ARTS ADVISORY COMMITTEE (Resolution No. R-21-06), be approved.

Vote: 5-0

VI. **PRESENTATIONS**

1. **Proclamation**

Mayor Katz issued a Proclamation designating March 5 – 11, 2006, as “*Pythian Week*” in the City of Gaithersburg. The Fraternal Order of Knights of Pythias and its members are dedicated to the cause of universal peace. Accepting the Proclamation was Vice Chancellor Donald Havtzell, Knights of Pythias, Forest Oak Lodge, No. 123.

2. **Presentation from the 2005 Kentlands/Lakelands 5K Race Committee**

The 12th Annual Kentlands/Lakelands 5K Run/Walk and Kid’s Fun Run, hosted by the Kentlands Community Foundation in partnership with the City of Gaithersburg, was held on September 3, 2005. Over 1,000 runners/walkers participated in the run and more than 180 volunteers contributed their time. Highlights of the 2005 race include: O’Donnell’s Seafood Grill hosted a special dinner to recognize sponsors, City Officials and members of the Race Committee. The winning design of the T-shirt contest was that of Jared Swick, a resident of Kentlands. Kevin Pool of New Windsor, Maryland won the men’s event while Susannah Kvasnicka of Northern Virginia took the women’s race. The City’s initiative, “Step Up to Health” was the theme throughout the promotion of the event.

The Kentlands/Lakelands 5K is held to raise money for charity with one fourth of the funds benefiting the Dolores Swoyer Scholarship Fund, allowing those less fortunate the opportunity to participate in the "Summer In the City" day camps. Mary Fehlig and Clyde Horten of the Kentlands Community Foundation presented a check in the amount of \$11,750 to the City of Gaithersburg on behalf of the 5K Race Committee.

3. Presentation on Staff's Efforts to Date to Create a Proposed Comprehensive Affordable Housing Policy for the City of Gaithersburg

Director of Community Development Kauffmann gave a presentation on affordable housing issues. During the January 2006 Mayor and City Council Annual Retreat, staff was asked to review the City's current housing stock as the City moves forward over the next several years with large scale development and redevelopment. She described and defined for the City Council the affordable housing, outlined several housing policy issues, and presented the proposed various housing programs. She stated that the City is aware of the need to assistance the low income families; however, the City must remain aware that focusing resources on this population can have a significant impact on local budget. She stated that staff will continue to investigate the different income levels of City residents and look at housing program options that the City can implement.

Mrs. Kauffmann oriented the City Council with data for low income housing, moderately priced housing, and workforce housing. She further described housing programs available in several Maryland municipalities, provided an outline of what is considered affordable to a range of income groups up to median, described various federal, state, county and private programs offering financial assistance to families interested in home purchase, and reviewed subsidy programs available to low income and special needs households, including elderly and the homeless.

The City recently implemented a housing initiatives fund, which was a pilot program created and used for the relocation of West Deer Park Apartment residents. She stated that the City Council could adopt the County's existing Moderately Priced Dwelling Unit Program (MPDU) to be administered by the County Department of Housing and Community Affairs. She further stated that the issue with the County's program is the 30-year control and the share of proceeds. Another option for the City is to develop its own MPDU or Workforce Housing Program to specifically meet City needs. This option would require developers to construct a certain percentage of units as MPDU and/or Workforce Housing. Other options for the City would be to develop on City-owned properties which the City would mandate certain unit types or prices through condition of settlement or RFP issued by the City, create a tenant relocation assistance program, condominium conversions of low-income apartments to affordable condominiums, or provide funding and financing for affordable housing projects through agencies such as the Housing Opportunities Commission, Community Development Administration loans or the Department of Housing and Community Affairs.

The Mayor and City Council commended staff on their efforts and thorough presentation. Several Council Members expressed concerns with the 30-year control period for MPDU ownership being too long. Others suggested the City develop its own policy of negotiation with developers and redevelopers for affordable/workforce housing. Several stated that the City may need multiple programs to fit the needs of all its residents and promote ownership. Many also expressed concern with the economic reality of developing and maintaining a housing program. The Mayor and City Council asked staff to concentrate on MPDU and workforce housing options.

VII. PUBLIC APPEARANCES

1. *Demos Chrissos, 343 Tschiffely Square Road*, expressed concern with the GE Town Hall meeting agenda for March 15, 2006. He urged the City Council to allow stakeholders the opportunity to present to the public their proposed land use plans for the property in order to conduct an effective meeting.

2. *Michael Stumborg, 15 Walker Avenue*, thanked the City Police for being responsive to the burglaries on Walker Avenue. He questioned the agreement between the City and the area 7-Eleven in regards to the sale of alcohol between 6 – 9:30 a.m. He feels there is a correlation between the alcohol sales and recent trouble in his neighborhood.
3. *Pamela Lindstrom, 421 Gaither Street*, commended the City Council for undertaking the affordable housing program. She clarified the misconception of the County's Moderate Price Dwelling Units (MPDU) Program. She referred to Rockville's recent housing developments and its implementation of MPDU units.
4. *Maggie Gifford, 9 Ramsdell Court*, echoed thanks to the City Council for addressing the affordable housing issue. She stated that she is in favor of multiple approaches to affordable housing not just for the workforce, but for low income families.
5. *Linda Gore, 60 Oakshade Road*, stated that low income rental units are a must. She asked the City Council to not allow the market rate to dictate future housing development in the City of Gaithersburg. She asked the City to study the use of the MPDU Program and condo conversions in other local jurisdictions.
6. *Thomas Cowley, 14617 Devereaux Terrace*, echoed comments made by earlier speakers. He asked the City Council to be fair and preserve existing housing, stating that diversity is important.

Mayor Katz and the City Council responded to several questions raised from the public. Several City Council Members stated that the GE Town Hall meeting is to discuss the City's Master Plan process not a proposed development plan. It was also stated that the Master Plan should not be driven by proposed plans, but that the City should stay focused on the options presented and use the Master Plan process as guidance to find the best use for the GE site. Other City Council Members felt that stakeholders should be given an opportunity to present their plans to the public during the town hall meeting. Staff was directed to amend the agenda allowing the public five minutes instead of three minutes to speak. It was also decided that stakeholders be allowed to display their proposed plans for public viewing.

In regards to alcohol sales at the 7-Eleven, City Manager Humpton stated that the City does not have the right to mandate the hours of alcohol sales and that the agreement with the owner was voluntary. Mayor Katz asked staff to schedule a work session to receive a presentation and clarification on liquor laws in Montgomery County.

VIII. FROM THE MAYOR AND CITY COUNCIL/ANNOUNCEMENTS

Council Member Sesma

Announced the vacancies on various City Boards, Commissions and Committees.

Council Member Marraffa

Reported that he and Council Member Alster will be attending the National League of Cities (NLC) Conference in Washington, D.C. He stated that the committee he serves on will address lobbying Congress for Community Development Block Grant funding. He also stated that he will attend a meeting of the NLC Immigration Task Force.

Council Member Alster

1. Reported that the NLC committee he serves on will address and discuss the rewrite of the Communications Act and the impact of control for municipalities.
2. Thanked the Kentlands Community Foundation for their donation and for partnering with the City on the annual 5K race held in the Kentlands.

3. Announced the City in partnership with the Harp and Shamrock Society will host the 6th Annual St. Patrick's Day Parade on March 11, 2006, 10 a.m. to noon at the Washingtonian Center.

Mayor Katz

1. Announced that the City will continue to conduct Planning Commission interviews on March 13, 2006, in the City Hall Gallery and asked staff to reschedule one interview for March 15, 2006.
2. Announced the City will conduct a joint work session on Monday, March 13, 2006, to discuss X-182, Crown Farm Property.
3. Requested the following motion for a closed executive session:

Motion was made by Council Member Alster, seconded by Council Member Sesma, that the Mayor and City Council of Gaithersburg conduct a closed executive session on Monday, March 6, 2006, immediately following the regular meeting, pursuant to Sec. 10-508(a)(7) of the Annotated Code of Maryland, to obtain legal advice. The topic to be discussed is the potential legal consequences related to a code enforcement matter.

Vote: 5-0

4. Announced on Wednesday, March 15, 2006, the City will conduct a town hall meeting at Lakelands Park Middle School, from 7:30 – 9:30 p.m. to continue the discussion of the GE Special Study Area.

IX. FROM THE CITY MANAGER

1. Reported that the Day Laborer Task Force is moving through their final month of meetings and will continue to discuss the work groups studies and reports. He stated that the Task Force will present its finding at the April 10, 2006 Mayor and City Council work session.
2. Announced that City Officials and several staff will travel to attend the annual Gaithersburg Day in Annapolis on Tuesday, March 7, 2006. The focus of Gaithersburg Day is to discuss the City's current state legislative agenda with State Officials.
3. Reported that on Thursday, March 16, 2006, staff will go before the Montgomery County Planning Board to provide input on the proposed Crown Farm annexation.

X. PUBLIC HEARING

Hearing to Solicit Public Service Proposals for the Expenditure of FY '07 Community Development Block Grant (CDBG) Funds

Director of Community Development Kauffmann stated that the above hearing was advertised in the *Gaithersburg Gazette* on February 15, 2006. She stated that organizations interested in applying for said grants were informed of the hearing. The goals of the CDBG Program include the provision of decent housing, suitable living environment and expanded economic opportunities for low and moderate income residents. She stated that Gaithersburg will receive \$465,000 in CDBG funds from the U.S. Department of Housing and Urban Development (HUD) which represents a ten percent reduction in funding from FY'06. CDBG regulations require the City to conduct at least two public hearings each year and following a 30-day notice and comment period. Staff will present its final action plan to the Mayor and City Council in May for approval. The action plan will then be submitted to HUD identifying how funds will be spent.

There were no speakers at the hearing.

Motion was made by Council Member Schlichting, seconded by Council Member Marraffa, that the City Council record on the above, be held open until April 24, 2006, 5 p.m.

Vote: 4-0

XI. ORDINANCES AND RESOLUTIONS

1. Resolution to Purchase Seven (7) Ford Crown Victoria Police Vehicles

This resolution authorized the City Manager to enter into a contract and purchase the above vehicles from Norris Ford, 901 Merritt Blvd., Baltimore, Maryland 21222, in the amount of One Hundred Forty-Three Thousand Two Hundred Twenty Dollars (\$143,220); said funds to be expended from the Operating Budget.

Motion was made by Council Member Sesma, seconded by, Council Member Alster, that a RESOLUTION OF THE MAYOR AND CITY COUNCIL AUTHORIZING THE CITY MANAGER TO ENTER INTO A CONTRACT TO PURCHASE SEVEN (7) FORD CROWN VICTORIA POLICE VEHICLES (Resolution No. R-22-06), be approved.

Vote: 4-0

2. Introduction of an Emergency Ordinance to Amend Chapter 15 of the City Code, Entitled "Offenses-Miscellaneous", to Create a New Section 15-18 Entitled "Picketing at a Private Residence", so as to Prohibit Picketing at a Private Residence Under Certain Circumstances

Assistant City Manager Felton introduced the above proposed ordinance which is essentially identical to Montgomery County's law, Section 32-23. Montgomery County Code states that it is unlawful to picket in front of or adjacent to a private residence; however, it is not applicable in the City of Gaithersburg. He stated that there is currently a situation in the City where a private residence is being picketed periodically and creating a neighborhood disturbance. Staff is recommending that the proposed ordinance be introduced and notify the public of a public hearing scheduled for March 20, 2006. He reminded the City Council that an emergency ordinance can become effective immediately upon adoption.

Motion was made by Council Member Marraffa, seconded by, Council Member Alster, that the above Ordinance, be introduced.

Vote: 4-0

XII. ADJOURNMENT

There being no further business to come before this session of the City Council, the meeting was duly adjourned at 9:25 p.m.

Respectfully submitted,

Doris R. Stokes

Doris R. Stokes
Administrative Assistant